

amendments to the claims encompassing step (d) requiring that only the relevant tests defined shall be carried out without the intervention of a technician.

Without such information in the specification, the claims are not novel over the prior art. Applicant is invited to point to specific page and line number in the specification for support of the instant claims."

In response, applicant disagrees. First, Applicant refers the Examiners to page 60 of the Specification, starting from line 7, Section 4.14 , to page 64, line 3. This section- INTELLIGENT PROGRAMMING ALGORITHM, clearly describes how only the computer program (set by the program manager) will determine which tests would be carried out despite varying values (in the Example for LDH ISOS) provided by three doctors. Nobody, not the lab operator or the technician can interfere with what are defined as relevant tests.

Had Examiner Clow called applicant's attorney before issuing the Final Office Action, applicant's attorney would have provided this information.

Second, applicant refers to page 12, line 11 to page 13, line 9. In this particular embodiment, the specification describes that "The operator is able to load, start and walk away computer controlled."

Third, on page 3, lines 16-22, the specification describes the overall algorithmic testing method using the intelligent automation to allow the systems to self monitor.

Thus there is sufficient support in the specification to enable the claim use of the claim language "**without the intervention of a technician**". This

rejection should be withdrawn.

The Action has rejected claims 5-17, 19, 20 and 25 for reciting the limitation "sequentially reading out each of said clinical test normal values from said memory" in step c).

In response, applicant is grateful to the Examiner for pointing out this informality. Claims 5-17, 19, 20 and 25 have been amended to correct the informality and therefore this rejection should be withdrawn. Upon allowance of the generic claims, Applicant requests that claims 5-11, 13-20 and 25 be reinstated as being drawn to non-elected species, which was the condition of the Restriction Requirement.

Applicant's invention is much needed and will make a favorable impact on the cost of health care.

Respectfully submitted,


Rashida A. Karmali
Rashida A. Karmali, Esq.
Reg. No. 43,705
Attorney for Applicants
99 Wall Street, 13th floor
New York, New York 10005

Date: August 19, 2003

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on May 5, 2003, Express Mail Mailing Label No. ER 168667815 US-- addressed to: Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450.

Rashida A. Karmali
Attorney for Applicants


8/19/03 Signature

Date of Signature